

Summary of Changes  
to  
Procedure 341.1  
Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing

**Revised Version Issued as P 341.1A**

LM Procedure 341.1, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing of 9/27/05, has undergone minor revisions. The revised procedure includes updated references, revised formatting, and additional guidance concerning duplicate claims. Please replace LM Procedure 341.1 with LM Procedure 341.1A.

# U.S. Department of Energy Office of Legacy Management



## Procedure: 341.1A

Effective: 10/4/06

SUBJECT: ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM  
ACT (EEOICPA) PROCESSING

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1. PURPOSE.

To provide U.S. Department of Energy (DOE) Office of Legacy Management (LM) personnel with procedures necessary to process, track, and complete claims associated with the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

2. CANCELLATION. Procedure 341.1, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing, dated 9/27/05

3. REFERENCES.

- a. *5 United States Code (U.S.C.) 552a, Privacy Act*
- b. *42 U.S.C. 2210 note, Radiation Exposure Compensation Act*
- c. *42 U.S.C. 7384 note, Energy Employees Occupational Illness Compensation Program Act of 2000*
- d. *10 Code of Federal Regulations (CFR) Part 852, Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Workers' Compensation Benefits*
- e. *20 CFR Parts 1 and 30, Performance of Functions; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000*
- f. *36 CFR Chapter XII, Subchapter B, Records Management*

- g. 42 CFR Parts 81 and 82, Guidelines for Determining the Probability of Causation and Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000
- h. Executive Order 13179, Providing Compensation to America's Nuclear Weapons Workers
- i. DOE Order 243.1, Records Management Program
- j. LM Procedure 200.4, Records Management

4. DEFINITIONS.

- a. Cancellation Notice -- A notice that stops active processing of an EEOICPA-related claim.
- b. Department of Labor (DOL) -- Federal department of the United States government responsible for occupational safety, wage and hour standards, unemployment insurance benefits, re-employment services, and some economic statistics. DOL is responsible for processing claims filed under EEOICPA.
- c. Document Acquisition Request (DAR) -- A form used by DOL to request EEOICPA-related employment and health monitoring documents for claimants.
- d. EEOICPA of 2000 (EEOICPA) -- Law enacted to provide compensation benefits for DOE nuclear weapons workers who developed work-related illnesses due to radiation, beryllium, and silica exposure. The law covers employees of DOE, its predecessor agencies, and certain contractors and subcontractors. It also covers, where applicable, survivors of such employees. [See Attachment A. – EEOICPA and LM's Support]
- e. EEOICPA Federal Point Of Contact (POC) -- LM individual responsible for oversight of EEOICPA claim processing.
- f. EEOICPA Technicians -- Personnel who process EEOICPA claims and provide related support and tracking activities.
- g. EEOICPA Tracking Database -- LM database created to track EEOICPA-related requests and status.
- h. National Institute for Occupational Safety and Health (NIOSH) -- Department of Health and Human Services (HHS) organization that uses radiation exposure information to help determine the probability that a covered employee's illness is the result of work-related exposure.
- i. Office of Health Services -- DOE office that provides worker and facility records and data to DOL to help in its decision-making to support administration of the EEOICPA.

- j. Office of Workers' Compensation Program (OWCP) -- DOL organization with primary responsibility for administering the EEOICPA and for granting or denying compensation under the act.
- k. Privacy Act -- Provides safeguards against unwarranted invasions of privacy through the misuse of records by Federal agencies by restricting disclosure of personally identifiable records maintained by agencies; granting individuals increased rights of access to records maintained about them; granting individuals the right to seek amendment of records maintained about them upon a showing that the records are not accurate, relevant, timely or complete; and establishing a code of "fair information practices" which requires agencies to comply with statutory norms for collection, maintenance, use, and dissemination of records.
- l. Response Package -- Supporting documents answering a request for information. In the case of EEOICPA-related requests, a response package includes a combination of the following as appropriate:
  - DOL Form EE-1, Employee's Claim;
  - DOL Form EE-2, Survivor's Claim;
  - DOL Form EE-3, Employment History;
  - DOL Form EE-4, Employment History Affidavit;
  - DOL Form EE-5, Employment Verification Sheet or a statement that no employment information for the claimant is available; and
  - Any relevant personnel, medical, radiological-related, training, and industrial hygiene records.
- m. Responsible Organization -- Entity having custodianship of the responsive documents or information needed to respond to a request.

## 5. QUALITY CONTROL.

The EEOICPA Federal POC shall review this procedure annually and as necessary to accommodate changing conditions within LM and ensure compliance with applicable laws, regulations, and DOE requirements.

## 6. RESPONSIBILITIES.

### a. The EEOICPA Federal POC:

- Provides oversight for all EEOICPA claim processing and appropriate guidance to the EEOICPA Technician.
- Receives EEOICPA claims, sets a response schedule for each claim, and ensures timely response to the requesting entity.
- Determines the responsible organization having the responsive documents or information needed to answer an EEOICPA-related request.
- Submits monthly claim activity information to the Office of Environment, Safety, and Health (EH)/Office of Health Services EEOICPA report.
- Inputs and updates claim information into the EEOICPA Tracking Database.

### b. The EEOICPA Technician:

- Performs searches using appropriate finding aids to locate responsive documents and information, processes claims, coordinates verification of employment with contractors, verifies employment through employment records in LM's custody, assesses dosimetry records and provides detailed and summarized exposure information to NIOSH, and provides medical files and industrial hygiene records where applicable.
- Maintains the EEOICPA Tracking Database, adding information as appropriate and generating EEOICPA-related reports.
- Maintains EEOICPA-related files according to the LM File Plan.
- Supports administration and processing of other EEOICPA-related activities (copies claims, maintains DOL request files, prepares transmittal letters, generates distribution lists, etc.).

## 7. TRAINING REQUIREMENTS.

- a. Personnel creating, using, or maintaining records shall be trained in all applicable areas of this procedure.
- b. Personnel involved in EEOICPA-related requests shall be trained to ensure Privacy Act provisions are followed.
- c. Training will be provided on the use, functions, and retrieval and input of information into the EEOICPA Tracking Database.

8. DOCUMENT CONTROL.

- a. The Directives Coordinator maintains the official, controlled hardcopy version of this document.
- b. The Directives Coordinator places a read-only, electronic version of this document on the LM Intranet. Printed hard copies of this document shall be considered information-only copies.

9. PROCEDURE.

**NOTE:** EEOICPA claims and related documentation contain personally identifiable information and should be handled as sensitive information and safeguarded at all times. Additionally, encryption technology as specified by LM cyber security personnel must be used when electronically transferring personally identifiable information.

Attachments B., C., and D. illustrate the EEOICPA request processes.

a. EEOICPA Employment Verification, Part B

(1) Initial Claim

(a) The EEOICPA Federal POC:

- 1 Receives the claim and analyzes the claim form and supporting documentation to identify the applicable responsible organization.
- 2 Enters the request into the EEOICPA Tracking Database, after ensuring that a previous request is not already in the database. [If a request is already in the system, see Section 9.a.(2), Receipt of Duplicate Claim/Special Request from DOL.]
- 3 Sets an appropriate schedule to ensure timely response to the claimant.
- 4 Securely transmits the claim electronically to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Receives, tracks, and documents the request using the EEOICPA Tracking Database as required to ensure the responsible organization's response meets the schedule set by the EEOICPA Federal POC.
- 2 Generates a new claim file. If a claim file already exists, response personnel follow the process for handling duplicate claims.
- 3 Searches the organization's employment records using the appropriate finding aids to locate information verifying the claimant's employment history. If employment information for a claim is not available, the EEOICPA Technician conducts a search of appropriate facility finding aids (e.g., medical, dosimetry monitoring, badging) in an effort to establish a site presence for the claimant.
- 4 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 5 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 6 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.

(c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.

(d) The EEOICPA Technician sends the signed transmittal letter and the response package to DOL.

(2) Receipt of Duplicate Claim/Special Request from DOL

(a) The EEOICPA Federal POC:

- 1 Contacts DOL as necessary if DOE has previously submitted responsive information or if clarification is needed.
- 2 Analyzes the claim form/special request and supporting documentation to identify the applicable responsible organization.
- 3 Enters the request into the EEOICPA Tracking Database.

- 4 Sets an appropriate schedule to ensure timely response to the claim/special request.
    - 5 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.
  - (b) The EEOICPA Technician:
    - 1 Analyzes the claim form/special request received from DOL against the original claim. [If the requested information is already on file, continue at Step 9.a.(2)(b)3 below.]
    - 2 Searches the responsible organization's records using the appropriate finding aids for responsive documentation.
    - 3 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
    - 4 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
    - 5 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
  - (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
  - (d) The EEOICPA Technician sends the signed transmittal letter and the response package to DOL.
- (3) Cancellation Notice Received from DOL
  - (a) Upon receipt of a cancellation notice, the EEOICPA Federal POC:
    - 1 Enters the cancellation information into the EEOICPA Tracking Database as appropriate.
    - 2 Notifies the affected responsible organization of the cancellation.
  - (b) The EEOICPA Technician files the cancellation notice in the claim file.



b. EEOICPA DOL Process, Part E

(1) Initial Claim

(a) The EEOICPA Federal POC:

- 1 Receives the DAR from DOL and identifies the applicable responsible organization.
- 2 Enters the request into the EEOICPA Tracking Database, after ensuring that a previous request is not already in the database. [If a request is already in the system, see Section 9.b.(2), Receipt of Duplicate Claim/Special Request from DOL.]
- 3 Sets an appropriate schedule to ensure timely response to the claimant.
- 4 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Confirms employment or establishes site presence, if necessary.
- 2 Generates a new claim file. If claim file already exists, response personnel follow the process for handling duplicate claims.
- 3 Tracks and documents the request as required to ensure the responsible organization meets the schedule set by the EEOICPA Federal POC.
- 4 Analyzes the DAR and other supporting documentation, and identifies any previously retrieved information on file that can be used to complete the DOL claim.
- 5 Searches the organization's records to locate any other information needed to respond to the DOL request. The EEOICPA Technician shall provide all available information requested under the DAR. This includes:
  - Medical records, including workers' compensation claims related to the claimed illness;

- Radiological dose records (summary only);
  - Incident/accident reports;
  - Industrial hygiene/safety records;
  - Employment information; and
  - Other items stated in the request.
- 6 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 7 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 8 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
- (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
- (d) The EEOICPA Technician sends the signed transmittal letter and the response package to DOL.
- (2) Receipt of Duplicate Claim/Special Request from DOL
- (a) The EEOICPA Federal POC:
- 1 Contacts DOL as necessary if DOE has previously submitted responsive information or if clarification is needed.
- 2 Analyzes the claim form and supporting documentation to identify the applicable responsible organization.
- 3 Enters the request into the EEOICPA Tracking Database.
- 4 Sets an appropriate schedule to ensure timely response to the request.
- 5 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Analyzes the DOL claim/special request. [If the requested information is already on file, continue at Step 9.b.(2)(b)3 below.]
- 2 Searches the responsible organization's records using the appropriate finding aids for responsive documentation.
- 3 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 4 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 5 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.

(c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.

(d) The EEOICPA Technician sends the signed transmittal letter and the response package to DOL.

(3) Cancellation Notice Received from DOL

(a) Upon receipt of a cancellation notice, the EEOICPA Federal POC:

- 1 Enters the cancellation information into the EEOICPA Tracking Database as appropriate.
- 2 Notifies the affected responsible organization of the cancellation.

(b) The EEOICPA Technician files the cancellation notice in the claim file.

c. EEOICPA NIOSH Process

(1) Initial Claim

(a) The EEOICPA Federal POC:

- 1 Receives the claim from NIOSH and identifies the applicable responsible organization.
- 2 Inputs claim information into the EEOICPA Tracking Database.

- 3 Sets an appropriate schedule to ensure timely response to the claimant.
    - 4 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.
  - (b) The EEOICPA Technician:
    - 1 Retrieves the claimant's DOL claim file, or creates a new file if one does not exist. [Note: NIOSH will send requests for dose, x-ray, and incident/accident reports that pertain to the claimant.]
    - 2 Tracks and documents the request as required to ensure the responsible organization's response meets the schedule set by the EEOICPA Federal POC.
    - 3 Searches the organization's epidemiological-related records using the appropriate finding aids to locate responsive documents (e.g., dose, incident/accident reports, x-ray).
    - 4 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
    - 5 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
    - 6 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
  - (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
  - (d) The EEOICPA Technician sends the signed transmittal letter and the response package to NIOSH.
- (2) NIOSH Special Request for Additional Dose Information
  - (a) The EEOICPA Federal POC:
    - 1 Receives the request for additional dose information from NIOSH and identifies the applicable responsible organization.
    - 2 Inputs request information into the EEOICPA Tracking Database.

- 3 Sets an appropriate schedule to ensure timely response to the request.
- 4 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance to ensure timely response. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Analyzes the NIOSH special request. [If the requested information is already on file, continue at Step 9.c.(2)(b)3 below.]
- 2 Searches the responsible organization's records using the appropriate finding aids for responsive documentation.
- 3 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 4 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 5 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.

(c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.

(d) The EEOICPA Technician sends the signed transmittal letter and the response package to NIOSH.

10. ATTACHMENTS.

- a. Attachment A. – EEOICPA and LM's Support
- b. Attachment B. – EEOICPA Part B, Employment Verification/DOL Request Flowchart
- c. Attachment C. – EEOICPA Part E, DOL Request Flowchart
- d. Attachment D. – EEOICPA NIOSH Request Flowchart

- e. Attachment E. – Office of Environmental, Safety, and Health/Office of Health Services  
EEOICPA Responsibilities

Approved: Original signed by Celinda H. Crawford  
Director  
Office of Business Operations

## **Attachment A. – EEOICPA and LM's Support**

### **a. About EEOICPA**

EEOICPA was enacted to provide compensation and medical benefits to current or former civilian employees who worked at certain Government or privately owned facilities where atomic weapons were produced or tested.

#### **(1) Part B**

Part B of the EEOICPA provides lump sum benefits up to \$150,000 to qualified claimants who are determined to have worked at a covered Department of Energy (DOE), atomic weapons, or beryllium vendor facility and who developed a radiogenic cancer, beryllium disease, or silicosis. Qualified survivors of these covered deceased workers also may be eligible for consideration for compensation.

#### **(2) Part E**

Part E of EEOICPA provides benefits to contractor and subcontractor employees who worked at covered DOE facilities where atomic weapons were produced and who developed an occupational illness as a result of exposure to toxic substances. While the amount of compensation varies under this program, most employees found to have a work-related illness receive a Federal payment and medical benefits for the treatment of the covered condition. Survivors of deceased employees are eligible to receive compensation if it is shown that the employee's death was linked to exposure to toxic material at their place of employment.

#### **(3) The Former Part D**

The state workers compensation assistance program previously administered by DOE under Part D of EEOICPA, was abolished in an amendment enacted on October 28, 2004. Claims filed under the Part D program have been transferred to DOL for consideration under Part E.

### **b. The DOE Role**

The Department of Labor (DOL) has primary responsibility for EEOICPA administration. DOL is supported in its role with assistance from the DOE, the Department of Health and Human Services (HHS), and the Department of Justice (DOJ).

DOE provides worker and facility records and data to DOL to assist its decision-making and to support EEOICPA administration. DOE maintains a list of facilities covered under the EEOICPA. This list is published in the Federal Register and is periodically updated.

In addition to periodic publication of the list in the Federal Register, DOE also maintains the searchable covered facility database available at the DOE Office of Environment, Safety, and

Health Internet site. This database contains additional information pertaining to each of the facilities noted in the Federal Register, including years of activity and a general overview of what the facility did. When new information supports new listings or expanded time periods, updates are made accordingly.

c. LM Support

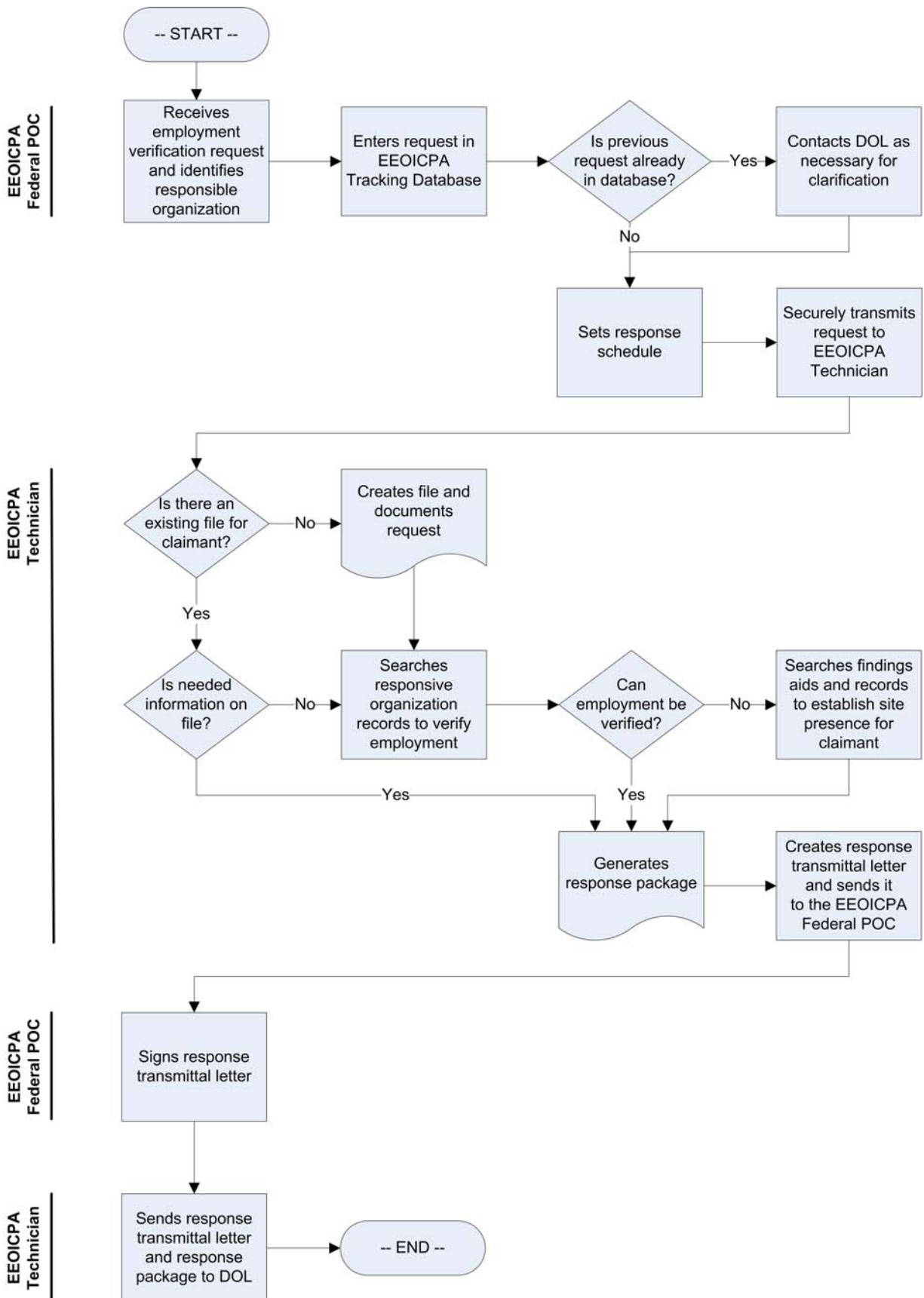
It is LM policy to support DOL, National Institute for Occupational Safety and Health (NIOSH), and Office of Health Services efforts to implement the EEOICPA.

LM provides:

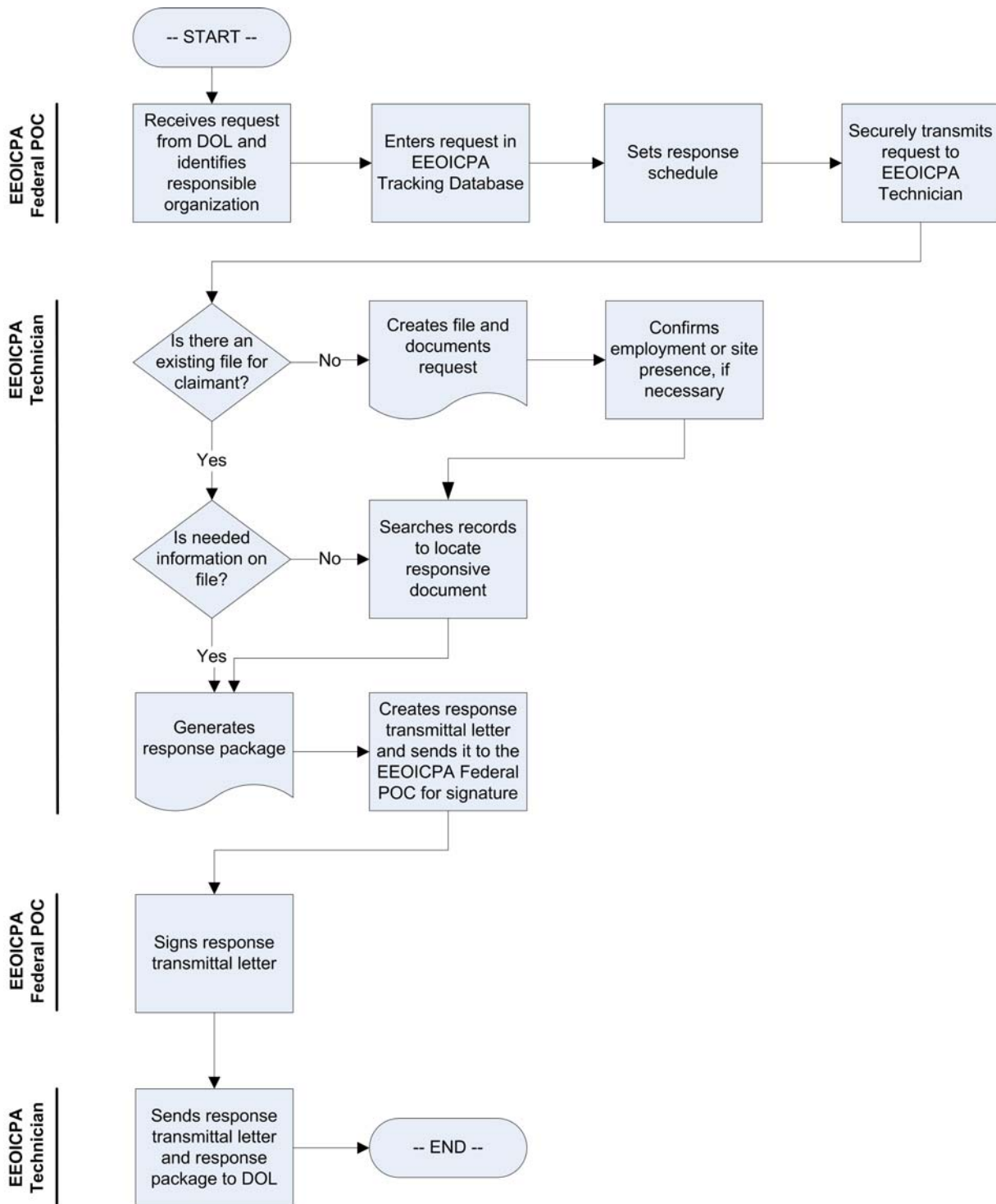
- Employment information to DOL to support the EEOICPA process;
- Dosimetry (dose) data (occupational exposure and medical treatment exposure) to NIOSH to support individual claims and radiological dose data in support of site dose reconstruction; and
- Employment, medical, workers compensation, industrial hygiene, and other records as requested to assist the Office of Health Services in the processing of claims filed under 10 *Code of Federal Regulations* 852.



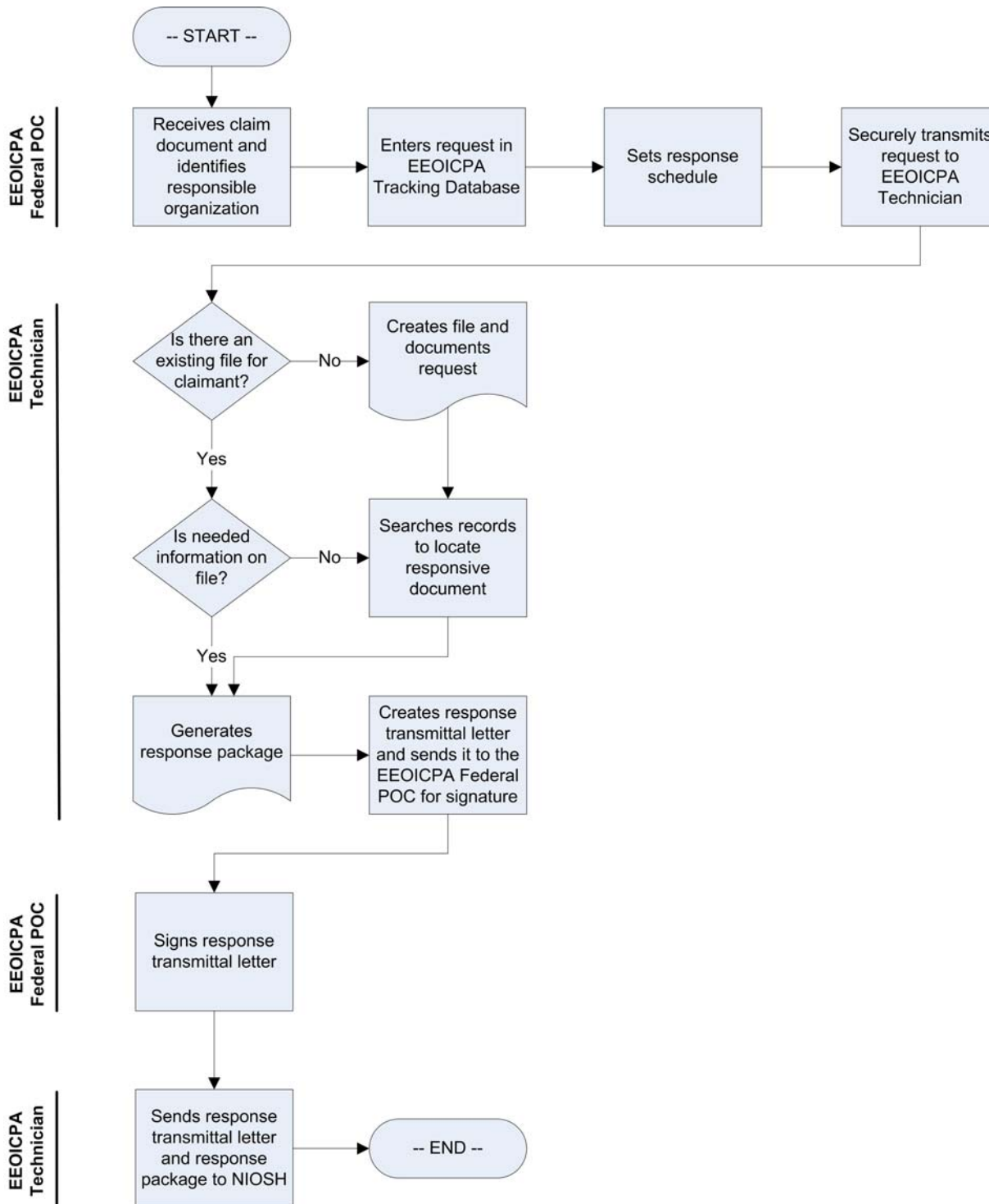
## Attachment B. – EEOICPA Part B, Employment Verification/DOL Request Flowchart



## Attachment C. – EEOICPA Part E, DOL Request Flowchart



## Attachment D. – EEOICPA NIOSH Request Flowchart



**Attachment E. – Office of Environmental, Safety, and Health/  
Office of Health Services EEOICPA Responsibilities**

